

PSCI 4183 INTERNATIONAL LAW

SPRING 2010

MWF 12:00-12:50 p.m., HALE 230

PROFESSOR: Anita M. Halvorssen

OFFICE: Ketchum 121A

OFFICE HOURS: MWF 10:30-11:50AM and by appointment

EMAIL: amhalvorss@aol.com (note: it is an AOL address)

CLASS WEBSITE: <http://culearn.colorado.edu>

PHONE: (303) 492-7871 (departmental office); (303) 499-2368 (home office)

Call anytime between 7am and 8pm (not the night before midterm or final exam).

TA: Amber Curtis

OFFICE: Ketchum 23A

EMAIL: amber.curtis@colorado.edu

***** Students who have not taken the prerequisite class or are signed up for it this term have to wait until next semester to take this class.*****

COURSE INFORMATION:

Description

This course will introduce the basic concepts, institutions and methodology of public international law. The course will consist of briefing the cases below (see outline and assignments), in addition to examining relevant treaties. Be sure to read the assignments including the relevant treaty provisions prior to the class. Student preparation and engagement are essential as International Law consists of building blocks which are all essential to the overall understanding of the field. The first lectures will include how to brief a case until the student becomes familiar with the exercise. Please keep up with the readings or the class will not be beneficial. I need you to read everything leading up to the assigned case, in addition to the case or treaty. Also make sure you read the notes at the end of the cases and sections.

Quizzes & Exams

There will be 5 short quizzes; 4 will count towards your grade (your lowest score will be dropped). Each quiz will count for 5 points. There are no make-ups for quizzes. There will also be a midterm and a final exam, consisting of multiple choice, short answer, and essay questions.

Attendance & Participation

As attendance and participation are required, I will be taking a roll-call several times during the semester. Not being in class at that time will have consequences for your grade. In addition to speaking up in class, part of your participation score will be based on correct responses to Clicker questions; please bring your Clicker to class everyday.

CULearn

Please check CULearn regularly for important course resources and updates. PowerPoint notes will be available after each class. However, it is not sufficient to have the class notes; additional material

will be covered in class. It is the students' responsibility to get notes from classmates if they are not able to come to class. The same applies to getting assignments; if they have not yet been posted, they are announced in class.

Optional Paper

Students may write a research paper for extra credit; it is not required, but strongly recommended. Detailed guidelines are available on CULearn and must be followed carefully in order to receive credit. Only hard copies of outlines, drafts, and final papers will be accepted! In addition, no credit will be given until final papers have also been uploaded to <http://www.turnitin.com> (Class ID: 3051741; Password: Halvorssen). Students also have the option of presenting their paper to the class.

GRADING: Your performance in this course will be assessed as follows:

Midterm	35 pts.
Final Exam	40 pts.
Short Quizzes	20 pts.
Attendance, Participation, & Clickers	5 pts.
Optional Paper	(5-8 pts. extra credit)
Presentation of optional paper	(2 pts. extra credit)

REQUIRED TEXTS:

1. Janis, Mark W., and John E. Noyes. 2006. *International Law*. West Publishing, 3RD Edition.
2. Treaty texts assigned in class. Use the internet: www.un.org, click the links on 'International Law', 'Main Bodies', 'UN News Centre', etc.
3. (Suggested reference): *Black's Law Dictionary*, West Publishing (also available at the library).

UNIVERSITY AND CLASS POLICIES:

Academic Honesty

Any violations of University of Colorado's academic integrity policy, including cheating, plagiarism, academic dishonesty, fabrication, lying, bribery, and threatening behavior is grounds for an automatic F, expulsion from the class, and referral to the Honor Code Council (honor@colorado.edu; 303-725-2273). Students who are found to be in violation of the academic integrity policy will be subject to both academic sanctions from the faculty member and non-academic sanctions (including but not limited to university probation, suspension, or expulsion). Cheating specifically includes use of unauthorized materials or others' work during exams. You can only bring your textbook, your chart of the UN System, UN Security Council Resolutions, any treaties you have downloaded off the internet (no commentaries to the treaties), UNSC resolutions, and the Stockholm and Rio Declarations. NO CLASS NOTES or other materials. If you have questions about what is or is not permissible, ask first. Other information on the Honor Code can be found at <http://www.colorado.edu/policies/honor.html> and at <http://www.colorado.edu/academics/honorcode/>.

Turning in Work

Normally you will turn in your work (**hard copy**) at the beginning of class on the day it is due. If you have received special permission to email the assignment, be sure to save a copy of the email as

proof that you actually sent the work. It is your responsibility to make sure your assignments are handed in. Use this e-mail: amhalvorss@aol.com. Papers will not be accepted if put under my office door. If I'm not in the office, they need to be handed in to the PSCI Office (KTCH 121A).

Students with Disabilities

If you qualify for accommodations because of a disability, please submit to me a letter from Disability Services in a timely manner so that your needs be addressed. Disability Services determines accommodations based on documented disabilities. Contact: 303-492-8671, Willard 322, and www.Colorado.EDU/disabilityservices.

Religious Observances

Campus policy regarding religious observances requires that faculty make every effort to reasonably and fairly deal with all students who, because of religious obligations, have conflicts with scheduled exams, assignments or required attendance. If applicable, please let me know in a timely manner. http://www.colorado.edu/policies/fac_relig.html.

Appropriate Learning Environment

Students and faculty each have responsibility for maintaining an appropriate learning environment. Students who fail to adhere to such behavioral standards may be subject to discipline. Faculty have the professional responsibility to treat all students with understanding, dignity and respect, to guide classroom discussion and to set reasonable limits on the manner in which they and their students express opinions. Professional courtesy and sensitivity are especially important with respect to individuals and topics dealing with differences of race, culture, religion, politics, sexual orientation, gender, gender variance, and nationalities. Class rosters are provided to the instructor with the student's legal name. I will gladly honor your request to address you by an alternate name or gender pronoun. Please advise me of this preference early in the semester so that I may make appropriate changes to my records. See policies at <http://www.colorado.edu/policies/classbehavior.html> and at http://www.colorado.edu/studentaffairs/judicialaffairs/code.html#student_code.

Discrimination and Harassment

The University of Colorado at Boulder policy on Discrimination and Harassment, the University of Colorado policy on Sexual Harassment and the University of Colorado policy on Amorous Relationships apply to all students, staff and faculty. Any student, staff or faculty member who believes s/he has been the subject of discrimination or harassment based upon race, color, national origin, sex, age, disability, religion, sexual orientation, or veteran status should contact the Office of Discrimination and Harassment (ODH) at 303-492-2127 or the Office of Judicial Affairs at 303-492-5550. Information about the ODH, the above referenced policies and the campus resources available to assist individuals regarding discrimination or harassment can be obtained at <http://www.colorado.edu/odh>.

OUTLINE AND ASSIGNMENTS

Monday, January 11:

Review of syllabus, Admin. issues (questions you might have),
I. Introduction to International Law p.1-3

Wednesday, January 13:

The McCann v. United Kingdom p.3
(Please read this case before you come to class)

Friday, January 15:

How to brief cases (hand-out on class website)
Filartiga v. Pena Irala p.17

Monday, January 18: Martin Luther King Day – *** No class *******

Wednesday, January 20:

II. Sources of International Law p.27
Statute of the ICJ, Art.38 p.915
A. Treaties - Read pages 29-56,
Vienna Convention on the Law of Treaties p.926

Friday, January 22:

The Reservations to the Genocide Convention Case p.56

Monday, January 25:

Case Concerning the Gabcikovo-Nagymaros Project p.74

Wednesday, January 27:

Eastern Greenland Case p.84

Friday, January 29:

B. Customary International Law
The Paquete Habana p.92

Monday, February 1: * QUIZ 1**

The Asylum Case p.102
The Lotus Case p.104

Wednesday, February 3:

The Texaco/ Libya Arbitration p.117
- Jus Cogens (hand-out on class website)
Prosecutor v. Furundzija p.148
The Michael Domingues Case p. 150

Friday, February 5: OPTIONAL RESEARCH PAPER TOPIC DUE – (ONLY IF YOU HAVE READ THE RESEARCH GUIDELINES ON CULEARN)

C. General Principles
The AM&S Case p.128

Monday, February 8:

- Equity (as part of General Principles)
The Meuse Case p.158

Wednesday, February 10:

III. The Relation of International Law to Municipal Law Foster & Elam v. Neilson p.180
Missouri v. Holland p.191

Friday, February 12:

Whitney v. Robertson p.202
United States v. Belmont p.204

Monday, February 15:

IV. International Dispute Resolution

A. Public International Arbitration p.263

The Rainbow Warrior Case pp.274

Wednesday, February 17: * QUIZ 2**

B. The International Court pp.260-282, <http://www.icj-cij.org/icjwww/icj002.htm>

The Diplomatic and Consular Staff Case p.294

Friday, February 19:

Advisory Opinion on the Western Sahara p.312

Monday, February 22: OPTIONAL RESEARCH PAPER PROPOSAL DUE

V. States and International Law Read

A. The Sovereign State p.424, Montevideo Convention p.428

Wednesday, February 24:

B. The Recognition and Succession of States and Governments

Tinoco Arbitration p.434

Kadic v. Karadzic p.453

Friday, February 26:

VI. Individuals and International Law p.339

The Nottebohm Case p.340 – Individuals as Objects of International Law

A. Individuals as Subjects of International Law p.363

International Bill of Human Rights: www.unhchr.ch/html/intlinst.htm

1. Universal Declaration of Human Rights p.921

2. International Covenant on Civil and Political Rights

3. International Covenant on Economic, Social and Cultural Rights

Monday, March 1:

***** MIDTERM**

Wednesday, March 3:

B. European Human Rights Law p.388

The Soering Case p.403

Friday, March 5:

C. International Criminal Law p.418

Monday, March 8:

C. International Criminal Law (continued)

Wednesday, March 10:

VII. International Organizations, and International Law p.465 www.un.org – Main Bodies

The Reparations Case p.474

Friday, March 12: * QUIZ 3**

Non-Governmental Organizations (NGOs) p.503

Monday, March 15:

VIII. International law and use of force

A. The Traditional Laws of War p.538

B. Art.2(4) and the Use of Force by States p.547; Nicaragua case p.558

Wednesday, March 17: OPTIONAL EARLY DRAFT OF RESEARCH PAPER DUE

C. The UN and the Use of Force p.571

The Certain Expenses Case p.576

Friday, March 19:

The UN, Ch.VII and the Invasion of Kuwait p.580

2003 Invasion of Iraq p.599

Monday, March 22 – March 26: * SPRING BREAK *****

Monday, March 29:

UN Security Council – Proposals for change p.610

Wednesday, March 31:

Guest Speaker (provisional date)

Friday, April 2: FINAL DRAFT OF OPTIONAL RESEARCH PAPER DUE

IX. Bases of Jurisdiction pp.767

American Banana Case p.768; Blackmer v. US p.772

Monday, April 5:

Mark Janis – The Doctrine of Forum Non Conveniens and

Bhopal Case p.824

The Schooner Exchange v. McFaddon p.830

FSIA p. 839

Underhill v. Hernandez p.860

Wednesday, April 7: * QUIZ 4**

X. International Law, and the Environment p.622

The Trail Smelter Case p.623

Friday, April 9:

Stockholm Declaration and Rio Declaration p.632

Stratospheric Ozone Layer p.642

Find and review the Vienna Convention and Montreal Protocol on the internet:

<http://www.unep.org/ozone/treaties.shtml>

Monday, April 12:

Stratospheric Ozone Layer (Continued)

Wednesday, April 14:

The Shrimp-Turtle Case p.654

Friday, April 16:

Climate Change - Find and review the Framework Convention on Climate Change

(UNFCCC): <http://www.unfccc.int/resource/convkp.html>; the Kyoto Protocol:

<http://unfccc.int/resource/docs/convkp/kpeng.pdf>; and the Climate Accord:

<http://unfccc.int/resource/docs/2009/cop15/eng/107.pdf>

Monday, April 19:

Presentation and discussion of papers

Wednesday, April 21: * QUIZ 5**

Presentation and discussion of papers

Friday, April 23:

Presentation and discussion of papers

Monday, April 26:

Review session + Presentation and discussion of papers

Wednesday, April 28:

Presentation and discussion of papers

Friday, April 30: Last Day of Class

Presentation and discussion of papers

***** FINAL EXAM: Saturday, May 1, 7:30pm – 10:00pm.**